

The Senate Committee on Higher Education offered the following substitute to SB 92:

**A BILL TO BE ENTITLED
AN ACT**

1 To amend various titles of the Official Code of Georgia Annotated so as to prohibit
2 professional licensing boards from refusing to issue a license or suspending or revoking the
3 license of a person who is a borrower in default under an educational loan issued through the
4 Georgia Higher Education Assistance Corporation or through a federal agency; to provide
5 for related matters; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Code Section 2-7-102 of the Official Code of Georgia Annotated, relating to grounds for
9 denial, suspension, revocation, or modification of license, permit, or certification for the use
10 and handling of pesticides, is amended by revising subsection (d) as follows:

11 "(d) The Commissioner shall not suspend any pesticide contractor's license or certified
12 commercial pesticide applicator's license or refuse to grant or renew either license ~~upon~~
13 notice to the Commissioner by the Georgia Higher Education Assistance Corporation that:

14 (1) ~~The because~~ an applicant for or holder of either such license is a borrower in default
15 who is not in satisfactory repayment status under the Georgia Higher Education Loan
16 Program as determined by the Georgia Higher Education Assistance Corporation or who
17 has been certified by any entity of the federal government for nonpayment or default or
18 breach of a repayment or service obligation under any federal educational loan, loan
19 repayment, or service conditional scholarship program as defined in Code Section
20 20-3-295; and

21 (2) ~~The hearings and appeals procedures provided in Code Section 20-3-295, where~~
22 ~~applicable, shall be the only such procedures required under this article."~~

23 **SECTION 2.**

24 Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial
25 institutions, is amended in Code Section 7-1-693, relating to applicant or licensee to engage

26 in the sale of payment instruments or money transmissions as borrower in default, by
27 revising subsection (a) as follows:

28 "(a) Where an applicant or licensee has been found to be a borrower in default, as defined
29 in Code Section 20-3-295 under the Georgia Higher Education Loan Program as
30 determined by the Georgia Higher Education Assistance Corporation or has been certified
31 by any entity of the federal government for nonpayment or default or breach of a
32 repayment or service obligation under any federal educational loan, loan repayment, or
33 service conditional scholarship program, such action shall not be sufficient grounds for
34 refusal of a license or suspension of a license. In such actions, the hearing and appeal
35 procedures provided for in said Code section shall be the only procedures required under
36 this article. The department shall be permitted to share, without liability, information on
37 its applications or other forms with appropriate state agencies to assist them in collecting
38 outstanding student loan debt."

39 **SECTION 3.**

40 Said chapter is further amended in Code Section 7-1-708.1, relating to denial or suspension
41 of license to cash payment instruments for student borrowers in default, by revising
42 subsection (a) as follows:

43 "(a) Where an applicant or licensee has been found to be a borrower in default, as defined
44 in Code Section 20-3-295 under the Georgia Higher Education Loan Program as
45 determined by the Georgia Higher Education Assistance Corporation or has been certified
46 by any entity of the federal government for nonpayment or default or breach of a
47 repayment or service obligation under any federal educational loan, loan repayment, or
48 service conditional scholarship program, such action shall not be sufficient grounds for
49 denial of an application or suspension of a license. In such actions, the hearing and appeal
50 procedures provided for in said Code section shall be the only procedures required under
51 this article. The department shall be permitted to share, without liability, information on
52 its applications or other forms with appropriate state agencies to assist them in collecting
53 outstanding student loan debt."

54 **SECTION 4.**

55 Said chapter is further amended in Code Section 7-1-1017, relating to suspension or
56 revocation of licenses, registrations, or mortgage broker education approval for mortgage
57 lenders and mortgage brokers, notice, judicial review, and effect on preexisting contract, by
58 revising paragraph (3) of subsection (a) as follows:

59 "(3) Where an applicant or licensee has been found to be a borrower in default as
60 provided in Code Section 20-3-295 under the Georgia Higher Education Loan Program

as determined by the Georgia Higher Education Assistance Corporation or has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program, such action shall not be sufficient grounds for refusal of a license or suspension of a license. In such actions, the hearing and appeal procedures provided for in Code Section 20-3-295 shall be the only such procedures required under this article."

SECTION 5.

69 Code Section 12-6-49.2 of the Official Code of Georgia Annotated, relating to the suspension
70 of a registered forester license, borrowers in default, and hearing and appeal procedures, is
71 amended by revising as follows:

72 "12-6-49.2.

73 (a) As used in this Code section, the term:

74 (1) 'Agency' means the Georgia Higher Education Assistance Corporation created in
75 Code Section 20-3-263 which is responsible for administering a program of guaranteed
76 educational loans to eligible students and eligible parents known as the Georgia Higher
77 Education Loan Program.

78 (2) 'Borrower' means an individual who borrowed a guaranteed educational loan under
79 the Georgia Higher Education Loan Program.

80 (3) 'Default' means default as defined by federal law under the Higher Education Act of
81 1965.

82 (4) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted
83 loan to the agency and has made a payment in the most recent prior 60 days.

84 (b) The board shall not suspend, as provided for in Code Section 20-3-295, the license of
85 any registered forester upon receipt of a record from the agency stating that such licensee
86 because he or she is a borrower in default who is not in satisfactory repayment status as
87 determined by the agency or who has been certified by any entity of the federal government
88 for nonpayment or default or breach of a repayment or service obligation under any federal
89 educational loan, loan repayment, or service conditional scholarship program.

90 (c) The board shall not deny the application for renewal, as provided for in Code Section
91 20-3-295, of any applicant or licensee upon receipt of a record from the agency stating that
92 such licensee because he or she is a borrower in default who is not in satisfactory
93 repayment status as determined by the agency or who has been certified by any entity of
94 the federal government for nonpayment or default or breach of a repayment or service
95 obligation under any federal educational loan, loan repayment, or service conditional
96 scholarship program.

97 (d) Notwithstanding any other provisions of law, the hearings and appeals procedures
98 provided for in Code Section 20-3-295, where applicable, shall be the only such procedures
99 required to suspend a license or deny the issuance or renewal of an application for a license
100 under this part."

101 **SECTION 6.**

102 Part 2 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,
103 relating to the Georgia Higher Education Assistance Corporation, is amended by revising
104 Code Section 20-3-295, relating to the corporation to maintain certified list of borrowers in
105 default, administrative hearings, and appeals, as follows:

106 "20-3-295.

107 (a) As used in this Code section, the term:

108 (1) 'Agency' means the Georgia Higher Education Assistance Corporation created in
109 Code Section 20-3-263 which is responsible for administering a program of guaranteed
110 educational loans to eligible students and eligible parents known as the Georgia Higher
111 Education Loan Program.

112 (2) 'Applicant' means any person applying for issuance or renewal of a license.

113 (3) 'Borrower' means an individual who borrowed a guaranteed educational loan under
114 the Georgia Higher Education Loan Program.

115 (4) 'Certified list' means a list provided by the agency of the names of borrowers who
116 default on guaranteed educational loans made under the Georgia Higher Education Loan
117 Program and are not in a satisfactory repayment status; provided, however, the term
118 default shall not include any obligation which is restructured or which is discharged
119 under hardship provisions under the federal Bankruptcy Code. Reserved.

120 (5) 'Default' means default as defined by federal law under the Higher Education Act of
121 1965.

122 (6) 'License' means a certificate, permit, registration, or any other authorization issued
123 by any licensing entity that allows a person to engage in a profession, business, or
124 occupation.

125 (7) 'Licensee' means any person holding a license.

126 (8) 'Licensing entity' means any state agency, department, or board of this state which
127 issues or renews any license, certificate, permit, or registration to authorize a person to
128 engage in a profession, business, or occupation, including those under Article 3 of
129 Chapter 7 of Title 2, the 'Georgia Pesticide Use and Application Act of 1976'; Article 13
130 of Chapter 1 of Title 7, relating to mortgage lenders and mortgage brokers; Chapter 5 of
131 Title 10, the 'Georgia Uniform Securities Act of 2008,' relating to securities salespersons
132 and investment adviser representatives; Part 2 of Article 1 of Chapter 6 of Title 12,

133 relating to foresters; Chapter 4 of Title 26, relating to pharmacists; Chapter 23 of Title 33,
134 relating to insurance agents, counselors, and other personnel; Chapter 1 of Title 43,
135 relating to professions and businesses; Chapter 3 of Title 43, relating to accountants;
136 Chapter 39A of Title 43, relating to real estate appraisers; or Chapter 40 of Title 43,
137 relating to real estate brokers and salespersons.

138 (9) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted
139 loan to the agency and has made a payment in the most recent prior 60 days.

140 (b) ~~The agency shall maintain a state-wide certified list of borrowers in default who have~~
141 ~~not made satisfactory arrangements to ensure voluntary repayment. The certified list must~~
142 ~~be updated on a monthly basis. The agency shall submit to each licensing entity a certified~~
143 ~~list with the name, social security number, if known, date of birth, and last known address~~
144 ~~of each person on the list. No licensing entity shall refuse to issue nor suspend or revoke~~
145 ~~a license to an applicant or licensee because he or she is a borrower in default who is not~~
146 ~~in satisfactory repayment status as determined by the agency or who has been certified by~~
147 ~~any entity of the federal government for nonpayment or default or breach of a repayment~~
148 ~~or service obligation under any federal educational loan, loan repayment, or service~~
149 ~~conditional scholarship program.~~

150 (c) ~~On or before January 1, 1999, all licensing entities shall implement procedures to~~
151 ~~accept and process the list provided by the agency in accordance with this Code section.~~
152 ~~Such procedures should be substantially similar if not identical to those implemented to~~
153 ~~comply with Code Section 19-11-9.3.~~

154 (d) ~~Promptly after receiving the certified list from the agency, all licensing entities shall~~
155 ~~determine whether an applicant or licensee is on the most recent certified list. If an~~
156 ~~applicant or licensee is on the certified list, the licensing entity shall immediately notify the~~
157 ~~agency. That notification shall include the applicant's or licensee's last known mailing~~
158 ~~address on file with the licensing entity.~~

159 (e) ~~After receiving notice from the licensing entity of applicants or licensees who are on~~
160 ~~the certified list, the agency shall immediately notify those individuals as specified in~~
161 ~~subsection (f) of this Code section of the agency's intent to request that all pertinent~~
162 ~~licensing entities suspend all licenses or withhold issuance or renewal of any license.~~

163 (f) ~~Notice for purposes of this Code section shall be initiated by the agency. Notice to the~~
164 ~~borrower in default shall include the address and telephone number of the agency and shall~~
165 ~~inform the borrower in default of the agency's intent to submit the borrower's name to the~~
166 ~~relevant licensing entities and to request that the relevant licensing entities withhold~~
167 ~~issuance or renewal of the license or suspend the license. The notice must also inform the~~
168 ~~borrower in default of the following:~~

169 (1) The borrower in default has 20 days from the date of mailing to enter into a
170 satisfactory repayment status. If the borrower in default fails to enter into a satisfactory
171 repayment status or does not respond within that time, the agency will send notice to the
172 appropriate licensing entities and request that the licenses be suspended or the licensure
173 applications be denied;

174 (2) The borrower in default may request an administrative hearing and judicial review
175 of that hearing under subsection (g) of this Code section. A request for a hearing must
176 be made in writing and must be received by the agency within 20 days of service of
177 notice; and

178 (3) If the borrower in default requests a hearing within 20 days of service, the agency
179 shall stay all action pending the hearing and any appeals.

180 (g) All borrowers in default subject to the sanctions imposed in this Code section shall
181 have the right to a hearing before an administrative law judge of the Office of State
182 Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50. A borrower in
183 default who requests a hearing within the time prescribed in subsection (f) of this Code
184 section shall have the right to a hearing. The hearing shall be conducted as provided in
185 Article 2 of Chapter 13 of Title 50 within 45 days after such demand is received. The only
186 issues at the hearing will be whether:

187 (1) There is an outstanding guaranteed educational loan;
188 (2) The licensee or applicant is the borrower named in the loan;
189 (3) The borrower is or is not in default;
190 (4) The borrower has entered into a satisfactory repayment status;
191 (5) The loan obligation is not enforceable; and
192 (6) The loan has been restructured or the loan has been discharged under hardship
193 provisions under the federal Bankruptcy Code.

194 With respect to the issues listed in this subsection, evidence relating to the ability and
195 willingness of a borrower to repay the loan shall be considered in making the decision
196 either to suspend a license or deny the issuance or renewal of a license under this Code
197 section. The administrative law judge shall be authorized to enter into an agreement or
198 enter an order requiring periodic payments, and, in each event, the administrative law judge
199 shall be authorized to issue a release for the borrower to obtain each license or licenses.

200 (h) The decision at the hearing shall be subject to appeal and judicial review pursuant to
201 Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in subsection (g)
202 of this Code section. Notwithstanding any hearing requirements for suspension and denials
203 within each licensing entity, the hearing and appeal procedures outlined in this Code
204 section shall be the only hearing required to suspend a license or deny the issuance or
205 renewal of a license under this Code section.

206 (i) The agency shall prescribe release forms for its use. When the borrower is determined
207 to be in satisfactory repayment status or is determined to be not in satisfactory repayment
208 status but has been determined in a hearing pursuant to subsection (g) of this Code section
209 to be unable to comply with the terms of the loan agreement or to be not willfully out of
210 compliance with such loan agreement, the agency shall mail to the borrower in default and
211 the appropriate licensing entity a notice of release stating such determination. The receipt
212 of a notice of release shall serve to notify the borrower in default and the licensing entity
213 that, for the purpose of this Code section, he or she is in satisfactory repayment status, and
214 the licensing entity shall promptly thereafter issue or reinstate the license, unless the
215 agency, pursuant to subsection (b) of this Code section, certifies subsequent to the issuance
216 of a notice of release that the borrower in default is once again not in satisfactory
217 repayment status.

218 (j) The agency may enter into interagency agreements with state agencies that have
219 responsibility for the administration of licensing entities as necessary to implement this
220 Code section. Those agreements shall provide for the receipt by other state agencies and
221 boards of federal funds to cover that portion of costs allowable under federal law and
222 regulation and incurred by state agencies and boards in implementing this Code section.

223 (k) Any licensing entity receiving an inquiry as to the license status of an applicant who
224 has had an application for issuance or renewal of a license denied under this Code section
225 shall respond only that the license was suspended or the licensure application was denied
226 pursuant to this Code section.

227 (l) The agency shall, and the licensing entities as appropriate may, adopt regulations
228 necessary to implement this Code section."

229 **SECTION 7.**

230 Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for
231 suspension, revocation, or refusal to grant licenses to pharmacists, is amended by revising
232 subsection (k) as follows:

233 "(k) The board shall not have the power to suspend any license issued under Article 3 of
234 this chapter when because such holder is a borrower in default who is not in satisfactory
235 repayment status as provided in Code Section 20-3-295 under the Georgia Higher
236 Education Loan Program as determined by the Georgia Higher Education Assistance
237 Corporation or who has been certified by any entity of the federal government for
238 nonpayment or default or breach of a repayment or service obligation under any federal
239 educational loan, loan repayment, or service conditional scholarship program. The board
240 shall also not have the power to deny the application for issuance or renewal of a license
241 under Article 3 of this chapter when because such applicant is a borrower in default who

242 ~~is not in satisfactory repayment status as provided in Code Section 20-3-295 under the~~
243 ~~Georgia Higher Education Loan Program as determined by the Georgia Higher Education~~
244 ~~Assistance Corporation or has been certified by any entity of the federal government for~~
245 ~~nonpayment or default or breach of a repayment or service obligation under any federal~~
246 ~~educational loan, loan repayment, or service conditional scholarship program. The~~
247 ~~hearings and appeals procedures provided for in Code Section 20-3-295 shall be the only~~
248 ~~such procedures required to suspend or deny any license issued under Article 3 of this~~
249 ~~chapter."~~

250 **SECTION 8.**

251 Article 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to
252 licensing insurance agents, agencies, subagents, counselors, and adjusters, is amended in
253 Code Section 33-23-21, relating to grounds for refusal, suspension, or revocation of licenses
254 to sell insurance, by revising paragraphs (21) through (23) as follows:

255 ~~"(21) Is a borrower in default who is not in satisfactory repayment status as defined by~~
256 ~~Code Section 20-3-295; for violations of this paragraph only, any hearing and appeal~~
257 ~~procedures conducted pursuant to Code Section 20-3-295 shall be the only such~~
258 ~~procedures required to suspend, deny, or revoke any license under this title;~~
259 ~~(22) In relation to the licensee's ability to transact the business of insurance, has had a~~
260 ~~license, permit, authorization, registration, or privilege refused, revoked, suspended,~~
261 ~~limited, or restricted by any federal, state, county, municipality, territory, military, or~~
262 ~~other legal authority authorized to issue licenses, permits, authorizations, registrations,~~
263 ~~or privileges to conduct business within its respective jurisdiction; otherwise has failed~~
264 ~~to comply with the legal requirements related to the license, permit, authorization,~~
265 ~~registration, or privilege; or has had other disciplinary action taken against him or her by~~
266 ~~any such lawful authority; or~~
267 ~~(23)(22) Has failed to report to the department within 60 days of the action taken, any~~
268 ~~refusal, revocation, suspension, limitation, or restriction of any license, permit,~~
269 ~~authorization, registration, or privilege of any lawful authority referenced in paragraphs~~
270 ~~(18) or (22)(21) of this Code section."~~

271 **SECTION 9.**

272 Said article is further amended by adding a new Code section to read as follows:

273 "33-23-21.1.
274 The Commissioner shall not refuse to issue nor suspend or revoke a license of an applicant
275 for or holder of a license because he or she is a borrower in default under the Georgia
276 Higher Education Loan Program as determined by the Georgia Higher Education

277 Assistance Corporation or has been certified by any entity of the federal government for
278 nonpayment or default or breach of a repayment or service obligation under any federal
279 educational loan, loan repayment, or service conditional scholarship program."

280 SECTION 10.

281 Said article is further amended in Code Section 33-23-22, relating to notice of suspension or
282 revocation of license, hearing, and appeals, by revising as follows:

283 "33-23-22.

(a) Any license, other than a probationary license or inactive license as described in subsection (b) (a) of Code Section 33-23-19, may be suspended or revoked as provided by Code Section 33-23-21 and subsection (b) of Code Section 33-23-19, and the Commissioner shall give notice of such action to the applicant for or holder of the license and any insurer or agent whom the applicant or licensee represents or who desires that the applicant or licensee be licensed. The procedure for conduct of hearings set forth in Chapter 2 of this title shall be followed in all cases except those cases pursuant to paragraph (20) or (21) of Code Section 33-23-21 which shall only require the hearings provided for in either said paragraph.

293 (b) Appeal from any order or decision of the Commissioner made pursuant to this chapter
294 shall be taken as provided in Chapter 2 of this title."

295 SECTION 11.

296 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
297 is amended in Code Section 43-1-19, relating to grounds for refusing to grant or revoking
298 licenses, application of Administrative Procedure Act, subpoena powers, disciplinary actions,
299 judicial review, reinstatement, investigations, complaints, surrender, and probationary license
300 regarding professional licensing boards, by adding "or" at the end of paragraph (10) of
301 subsection (a), by replacing ";" or" at the end of paragraph (11) of subsection (a) with a
302 period, and by repealing paragraph (12) of subsection (a).

303 SECTION 12.

304 Said title is further amended by revising Code Section 43-1-29, relating to suspension of
305 license for nonpayment of student loans, procedure, and reinstatement regarding professional
306 licensing boards, as follows:

307 "43-1-29.

308 A professional licensing board shall not suspend the license of a person licensed by that
309 board who because he or she is a borrower in default under the Georgia Higher Education
310 Loan Program as determined by the Georgia Higher Education Assistance Corporation or

311 ~~because he or she has been certified by a federal agency and reported to the board any~~
312 ~~entity of the federal government for nonpayment or default or breach of a repayment or~~
313 ~~service obligation under any federal educational loan, loan repayment, or service~~
314 ~~conditional scholarship program. Prior to the suspension, the licensee shall be entitled to~~
315 ~~notice of the board's intended action and opportunity to appear before the board according~~
316 ~~to procedures set forth by the division director in rules and regulations. A suspension of~~
317 ~~a license under this Code section is not a contested case under Chapter 13 of Title 50, the~~
318 ~~'Georgia Administrative Procedure Act.'~~ A license suspended under this Code section shall
319 ~~not be reinstated or reissued until the person provides the licensing board a written release~~
320 ~~issued by the reporting agency stating that the person is making payments on the loan or~~
321 ~~satisfying the service requirements in accordance with an agreement approved by the~~
322 ~~reporting agency. If the person has continued to meet all other requirements for licensure~~
323 ~~during the period of suspension, reinstatement of the license shall be automatic upon~~
324 ~~receipt of the notice and payment of any reinstatement fee which the board may impose."~~

325 **SECTION 13.**

326 Said title is further amended in Code Section 43-3-27, relating to notification of conviction,
327 time limit, and suspension of licenses regarding accountants, by revising subsection (b) as
328 follows:

329 "(b) The board may not suspend the license of an individual ~~who because he or she is a~~
330 ~~borrower in default under the Georgia Higher Education Loan Program as determined by~~
331 ~~the Georgia Higher Education Assistance Corporation or has been certified by a federal~~
332 ~~agency and reported to the board any entity of the federal government for nonpayment or~~
333 ~~default or breach of a repayment or service obligation under any federal educational loan,~~
334 ~~loan repayment, or service conditional scholarship program. Prior to the suspension, the~~
335 ~~licensee shall be entitled to notice of the board's intended action and opportunity to appear~~
336 ~~before the board. A suspension of a license under this Code section is not a contested case~~
337 ~~under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~ A license
338 ~~suspended under this Code section shall not be reinstated or reissued until the individual~~
339 ~~provides the board a written release issued by the reporting agency stating that the~~
340 ~~individual is making payments on the loan or satisfying the service requirements in~~
341 ~~accordance with an agreement approved by the reporting agency. If the individual has~~
342 ~~continued to meet all other requirements for licensure during the period of suspension,~~
343 ~~reinstatement of the license shall be automatic upon receipt of the notice and payment of~~
344 ~~any reinstatement fee which the board may impose."~~

345

SECTION 14.

346 Said title is further amended in Code Section 43-20A-16, relating to cause for disciplinary
347 actions and disciplinary order a final order regarding licensed immigration assistance
348 providers, by adding "or" at the end of paragraph (11) of subsection (a), by replacing ";" or"
349 with a period at the end of paragraph (12) of subsection (a), and by revising paragraph (13)
350 of subsection (a) as follows:

351 "~~(13)(a.1)~~ The Secretary of State shall not order the discipline, denial, suspension, or
352 revocation of a license issued pursuant to this chapter because a person has ~~Has~~ been found
353 ~~by the Secretary of State pursuant to notice~~ by the Georgia Higher Education Assistance
354 Corporation ~~that the applicant for or holder of such license is to be~~ a borrower in default
355 who is not in satisfactory repayment status as defined in Code Section 20-3-295.
356 ~~Notwithstanding the provisions of Chapter 13 of Title 50, the hearings and appeals~~
357 ~~procedures provided in Code Section 20-3-295, where applicable, shall be the only such~~
358 ~~procedures required under this subsection."~~

359

SECTION 15.

360 Said title is further amended by revising Code Section 43-20A-17, relating to suspension of
361 license for licensed immigration assistance providers for nonpayment, default, or breach of
362 repayment or service obligation under certain educational loan or scholarship programs and
363 terms of reinstatement, as follows:

364 "43-20A-17.

365 The Secretary of State shall not suspend a license issued pursuant to this chapter ~~if reported~~
366 ~~to the Secretary of State for~~ because of nonpayment or default or breach of a repayment or
367 service obligation under any federal educational loan, loan repayment, or service
368 conditional scholarship program. ~~Prior to a suspension, the licensee shall be entitled to~~
369 ~~notice of the Secretary of State's intended action and opportunity to appear before the~~
370 ~~Secretary of State according to procedures set forth by the Secretary of State. A suspension~~
371 ~~of a license pursuant to this Code section shall not be a contested case under Chapter 13~~
372 ~~of Title 50. A license suspended pursuant to this Code section shall not be reinstated or~~
373 ~~reissued until the person arranges for a written release to be issued by the reporting agency~~
374 ~~directly to the Secretary of State stating that the person is making payments on the loan or~~
375 ~~satisfying the service requirements in accordance with an agreement approved by the~~
376 ~~reporting agency. If such person has continued to meet all other requirements for licensure~~
377 ~~during the period of suspension, reinstatement of the license shall be automatic upon~~
378 ~~receipt of the notice and payment of any reinstatement fee which the Secretary of State may~~
379 ~~impose."~~

380

SECTION 16.

381 Said title is further amended in Code Section 43-34-8, relating to authority to refuse license,
382 certificate, or permit or issue discipline for health professionals regulated by the Georgia
383 Composite Medical Board, suspension, restoration, investigations, hearings on fitness,
384 immunity, and publication of final disciplinary actions, by adding "or" at the end of
385 paragraph (22) of subsection (a) and by revising paragraphs (23) and (24) of subsection (a)
386 and subsection (b.1) as follows:

387 ~~"(23) Failed to enter into satisfactory repayment status and is a borrower in default as
388 defined by Code Section 20-3-295; it shall be incumbent upon the applicant, licensee,
389 certificate holder, or permit holder to supply the notice of release to the board from the
390 Georgia Higher Education Assistance Corporation indicating that the licensee, certificate
391 holder, permit holder, or applicant has entered into satisfactory repayment status so that
392 a license, certificate, or permit may be issued or granted if all other conditions for
393 issuance of a license, certificate, or permit are met; or~~

394 ~~(24) Except for practice settings identified in paragraph (7) of subsection (g) of Code
395 Section 43-34-25 and arrangements approved by the board prior to July 1, 2009, as set
396 forth in subsection (k) of Code Section 43-34-103, been a physician that has been or is
397 employed by one the physician:~~

398 (A) Delegates medical acts to;
399 (B) Enters a protocol or job description with; or
400 (C) Is responsible for supervising."

401 ~~"(b.1) The board shall not suspend the license, certificate, or permit of a person licensed
402 by the board who because he or she is a borrower in default who is not in satisfactory
403 repayment status under the Georgia Higher Education Loan Program as determined by the
404 Georgia Higher Education Assistance Corporation or who has been certified by a federal
405 agency and reported to the board any entity of the federal government for nonpayment or
406 default or breach of a repayment or service obligation under any federal education loan,
407 loan repayment, or service conditional scholarship program. Prior to the suspension, the
408 licensee, certificate holder, or permit holder shall be entitled to notice of the board's
409 intended action and opportunity to appear before the board according to procedures set
410 forth in the board's rules and regulations. A suspension of a license, certificate, or permit
411 under this subsection is not a contested case under Chapter 13 of Title 50, 'Georgia
412 Administrative Procedure Act.' A license, certificate, or permit suspended under this Code
413 section shall not be reinstated or reissued until the person provides the board a written
414 release issued by the reporting agency stating that the person is making payments on the
415 loan or satisfying the service requirements in accordance with an agreement approved by
416 the reporting agency. If the person has continued to meet all other requirements for~~

417 issuance of a license, certificate, or permit during the period of suspension, reinstatement
418 of the license, certificate, or permit shall be automatic upon receipt of the notice and
419 payment of any reinstatement fee which the board may impose."

420 **SECTION 17.**

421 Said title is further amended in Code Section 43-39A-14, relating to required conduct of
422 applicants for real estate appraiser licenses, grounds for refusal of classification, imposition
423 of sanctions, and suspension or revocation of classification, by revising subsection (k) as
424 follows:

425 "(k) Where an applicant or licensee has been found to be a borrower in default who is not
426 in satisfactory repayment status as provided in Code Section 20-3-295 under the Georgia
427 Higher Education Loan Program as determined by the Georgia Higher Education
428 Assistance Corporation or who has been certified by any entity of the federal government
429 for nonpayment or default or breach of a repayment or service obligation under any federal
430 educational loan, loan repayment, or service conditional scholarship program, such finding
431 shall not be sufficient grounds for refusal of a license or suspension of a license. For
432 purposes of this subsection, the hearing and appeal procedures provided for in Code
433 Section 20-3-295 shall be the only such procedures required under this article."

434 **SECTION 18.**

435 Said title is further amended in Code Section 43-40-15, relating to grant of licenses to real
436 estate brokers and salespersons, grounds for suspension or revocation of license, other
437 sanctions, surrender or lapse, and conviction, by revising subsection (l) as follows:

438 "(l) Where an applicant or licensee has been found to be a borrower in default who is not
439 in satisfactory repayment status as provided in Code Section 20-3-295 under the Georgia
440 Higher Education Loan Program as determined by the Georgia Higher Education
441 Assistance Corporation or who has been certified by any entity of the federal government
442 for nonpayment or default or breach of a repayment or service obligation under any federal
443 educational loan, loan repayment, or service conditional scholarship program, such status
444 finding shall not be sufficient grounds for refusal of a license or suspension of a license.
445 In such cases, the hearing and appeal procedures provided for in Code Section 20-3-295
446 shall be the only such procedures required under this chapter."

447 **SECTION 19.**

448 All laws and parts of laws in conflict with this Act are repealed.